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**MINUTES
TO BE
APPROVED**

**MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING**

Wednesday, August 12, 2015

6:00 p.m.

Council Chambers

8000 South Redwood Road

West Jordan, Utah 84088

DRAFT

COUNCIL: Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, Chad Nichols, Sophie Rice, and Ben Southworth.

STAFF: Bryce Haderlie, Interim City Manager; Darien Alcorn, Acting City Attorney; Melanie Briggs, City Clerk; David Oka, Community and Economic Development Director; Brian Clegg, Parks Director; Ryan Bradshaw, Finance Manager; Wendell Rigby, Public Works Director; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Nanette Larsen, Associate Planner; Robert Thorup, Deputy City Attorney; Paul Dodd, Civil Litigator; Jeremy Olsen, Economic and Development Assistance Supervisor; Steve Glain, Assistance to the City Manager; Tim Heyrend, Utilities Engineer; Scott Langford, City Planner; Dave Murphy, CIP Engineering Manager, and Justin Stoker, Deputy Public Works Director.

I. CALL TO ORDER

Mayor Rolfe called the meeting to order at 4:01 p.m.

II. CLOSED SESSION

DISCUSSION OF THE CHARACTER PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL; STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION, AND STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARES

COUNCIL: Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, and Sophie Rice. Council Members Chad Nichols arrived at 5:10 p.m. and Ben Southworth arrived at 5:25 p.m.

STAFF: Bryce Haderlie, Interim City Manager, Tracy Cowdell, Contracted Attorney; Chad Wooley, Contracted Attorney, and Eric Johnson, Contracted Attorney.

MOTION: Councilmember Hansen moved to go into a Closed Session to discuss the character professional competence, or physical or mental health of an individual; Strategy Session to discuss pending or reasonably imminent litigation, and a Strategy Session to discuss the purchase, exchange, or lease of real property, including any form of a water right

or water shares. The motion was seconded by Councilmember McConnehey.

Councilmember Haaga clarified that the purpose of the closed session was to review the candidates for City Manager, and narrow the field down. He felt this should be done in an open meeting.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Absent
Councilmember Rice	Yes
Councilmember Southworth	Absent
Mayor Rolfe	Yes

The motion passed 5-0.

The Council convened into a Closed Session to discuss the character professional competence or physical or mental health of an individual (review City Manager candidates); Strategy Session to discuss pending or reasonably imminent litigation, and a Strategy Session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares at 4:01 p.m.

Councilmember Nichols arrived at 5:10 p.m., and Councilmember Southworth arrived at 5:25 p.m.

Councilmember Haaga left the Closed Session at approximately 5:40 p.m. and entered the City Council Chambers.

The Council recessed the Closed Session at 6:00 p.m.

Mayor Pro-Tem Hansen reconvened the meeting at 6:04 p.m.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nektarios Zervos, Cal Ripkin Short-Stop.

IV. PRESENTATIONS

RECOGNITION OF CAL RIPKIN BASEBALL TEAM FOR BEING THE STATE CHAMPIONS

Mayor Pro-tem Hansen read the following statement:

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West Jordan Copper Hills Baseball has been Cal Ripken certified since 2001. This year our 11U team played and won through the district bracket which includes teams from Brighton, Riverton, And Grantsville. They made it to the state tournament and played teams from Brighton, Taylorsville, Tooele and Stansbury. They were the runners up they lost one game and played through the losers bracket earning the second runner up state champions. They represented West Jordan in the Pacific Southwest regional tournament. They played teams from Nevada, Utah, and California. They didn't win in the regional tournament but made the West Jordan Copper Hills Baseball family proud to make it as far as they did. Congratulations to:

Taz Adamson	Samantha Proctro
Colton Atherley	Greyson Wallin
Seth Dobson	Zachary Wallin
Aiden Dudack	Ryan Van Leeuwen
Hunter Logan	Parker Young
Isaiah Madrid	Nektarios Zervos

Coaches:

Robert Dobson
Matt Logan
Mark Young

The Council congratulated the Baseball Team and Coaches for their accomplishment.

RECOGNITION OF THE CITY'S GIS DEPARTMENT FOR THEIR INTERNATIONAL AWARD FROM ESIR

Wendell Rigby recognized the City's Geographic Information System (GIS) Department for their International Award. He commented on the work that they do for the City.

On July 22, 2015, the GIS Department was honored with a Special Achievement GIS Award. The City of West Jordan was the only team in the State of Utah to receive the award.

The Council congratulated the GIS Department for their award.

RECOGNITION OF LEADERSHIP ACADEMY GRADUATES

Steve Glain provided a brief summary of what the Leadership Academy Graduates had completed in the last 18-months. He said graduates had also completed individual projects.

The graduates were provided with a plaque:

Julie Brown	David Naylor
Lourdes Rivera	Justin Rayl
Paul Wellington	Nate Nelson
David Montoya	Tim Heyrend
Marti Whiteman	Steve Glain

Alex Durelli
Chris Pearson

Clint Hutchings

RECOGNITION OF THE RODEO AND PARADE COMMITTEE MEMBERS

Councilmember Southworth commented on the West Jordan Parade and Rodeo. He said the parade route was lined with citizens four and five deep. He felt this was an amazing event. He expressed his appreciation to the Parade Committee for all their time and dedication. He said it was also a pleasure to work with the Western Stampede Committee over the past years, and thanked them for their service. He said the rodeo was now profitable for the City of West Jordan.

Western Stampede Volunteers:

Nathan Gedge	Theresa Wright
Lynn Bowler	Steve Bowler
Marlene Conrad	Cory Bullock
Mark Wright	Kathy Whiting
Clive Killpack	Melissa Worthen
Allen Richards	

Parade Volunteers:

Maryann Morehouse
Chris Hansen

The Council expressed their appreciation to the volunteers.

Mayor Rolfe resumed presiding over the meeting.

V. COMMUNICATIONS

INTERIM CITY MANAGER COMMENTS/REPORTS

Bryce Haderlie –

- Commented on the survey monkey regarding the mural issue.
- Expressed his appreciation to the City Council for their support regarding the recent Employee Party held at Seven Peaks.
- Attended meetings where it was discussed that surrounding cities offered buy-outs for long-term employees, particularly for public safety employees. He appreciated the steps taken by the City Council to support employee wages.

STAFF COMMENTS/REPORTS

David Oka –

- Demolition permit issued for the former gas station at 2700 West 7800 South.
- Acknowledged Scott Langford, new City Planner

Brian Clegg –

- Biggest Soccer Tournaments in the State began today and would continue through Saturday. This would increase the traffic in the area of 4000 West and 7800 South.

Doug Diamond –

- Commented on one of the programs started by the Leadership program, Police Activity League (PAL). He said so far there had been two-weeks of athletic events with youth in the City. He announced that the program would be expanded in the future.

Melanie Briggs –

- Salt Lake County Elections indicated that the Election Canvass must be done on Tuesday, August 18, 2015.

The Council agreed to hold the meeting on Tuesday, August 18, 2015 at 6:00 p.m.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Haaga –

- Commented on the Mexican restaurant mural issue in West Jordan. He reported that approximately 175 people attended a peaceful meeting where the Mexican culture and art was discussed. He said the artwork was subjective. He reported that Salt Lake City already had an ordinance addressing this issue. He would like to see the issue of murals brought before the City Council.
- Addressed the issue of finding a solution regarding the Theater Arts costumes to get them out of the storage units.
- Objected to the comments made on Facebook by employees. He would like the City staff to look into creating a Facebook or social media policy for City employees to follow.

Councilmember Nichols –

‘Thank you Mayor. A heart felt welcome back to Scott. It’s good to have you here. Umm, I was debating whether to bring this up or not; but I think it’s appropriate, and I won’t list a name. But, as legislators, as legislative body our job is to represent the people, represent the City when called to, it’s to debate policy. It is not a place to yell at people. In a closed meeting before this, this open meeting, I observed behavior that I was embarrassed as an elected official. I want to issue a public warning to this individual, that you refrain.’

Councilmember Haaga –

‘Point of order, Mayor. Closed doors are to be confidentiality based.’

Councilmember Nichols –

‘This argument has nothing to do with the content of that meeting. It was behavior that was observed. And, when you are in a seated environment, and you stand, and you yell, at a contract attorney; and when you point your finger...’

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Councilmember Haaga –

‘Point of order, Mayor, I think we are at the point of revealing confidentiality.’

Councilmember Nichols –

‘I have not revealed anything that was said in that meeting. I am asking this Councilmember to refrain from this type of behavior in the future. It’s uncalled for. It’s unbecoming of a public official to act that way. Thank you Mayor.’

(Inaudible – Councilmembers’ Southworth and Haaga speaking at the same time)

Councilmember Southworth –

‘Thank you Mayor. First of all, I want to say Thank You to, or welcome back to Scott. It’s good to see you. I, I, um, look forward to more great work. You’ve always done a great job. It was sad to see you go, happy to see you come back. So the world turns on. Umm, at this time I have had requested that item 9c, along with Councilman Nichols, that the information provided in 9c brought before the Council. This time I would ask that, that be pulled, and placed on the next Council agenda in the following manner: First of all, the three items, the three topics discussed be separated so that they can be discussed separately and individually. 9, umm, the first one being the Parks issue, if that can come back as a consent item, then so be it, if not then we will take it as a business item, but if consent item, that would be better. The second item which is what Councilman Nichols, umm, had put on there with regard to, umm, the duties and responsibilities of the Council and Mayor, and, and finding those consistencies between State Code. And lastly, uhh, a salary, umm, discussion. If those could be three separate items, I would appreciate that, and, and concur with Councilman Nichols, whose the other part of that item is agreed to that as well to make the same request. Umm, lastly, I too want to comment; I have felt the same embarrassment that Councilman Nichols expressed. Not just as an elected official, but as a human being, to watch and see the type of behavior that I just watched. To stand over somebody, physically bent over, raised voice, red face and threaten...’

Councilmember Haaga –

‘Point of order, point of order, Mayor,...confidentiality of a closed door session.’

Councilmember Southworth –

‘Councilman Haaga if you would please let me finish.’

Councilmember Haaga –

‘You’re revealing confidential information from a closed door session.’

Mayor Rolfe –

‘He has the floor. He has the floor. You’re out of line.’

Councilmember Southworth –

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'Um, and I would hope that we could find a way to, to behave much better. Councilman Haaga that was uncalled for and I hope that you can find a way to corral...Thank you.'

Councilmember Haaga –

'Point of order, Mayor. He attacked me personally here on the dais. Point of order.'

Mayor Rolfe –

'Councilmember Rice.'

Councilmember Rice –

'Nothing at this time Mayor, thank you.'

Mayor Rolfe –

'Councilmember Haaga, response.'

Councilmember Haaga –

'I won't reveal anything that happened in closed door, because what I did was last Council meeting, and I'll review it on the minutes. Is I made a statement about Councilmembers' and I am sorry that we have this kind of contention, even on the dais. But the Councilmembers' to my left, on July 20, oh I forgot the date, but I'll look it out on the minutes. Directed our staff to eliminate a position in our City, and I made a statement about that. I invite you to read that, and basically, a contracted attorney who works for the City, I'm disclosing this public, not what he said, verbally assaulted me. I stood up, and I left the meeting. Many of you folks that were in the meeting here witnessed me coming in alone, cuz I'm not gonna tolerate people disrespecting my position as an elected official. So despite what you hear and the confidentiality they revealed, with my name even, umm, all's I will tell you is, it's out of order Mayor, and umm, and I'm expecting an apology from the contract attorney.'

Mayor Rolfe –

'I have a just one comment, umm, it's really hard for me to sit here and have a member of this, umm, Council that, umm, accused another member that came across the table at me just less than, umm, six weeks ago, in the same manner, and umm, no one opposed it then.'

VI. CITIZEN COMMENTS

Kathy Hilton, West Jordan resident, voiced her concerns regarding the proposed increase to the Interim City Manager's salary. She was concerned with the timing. She suggested a possible bonus and holding off on any type of raise until a City Manager was hired. She also commented on the lack of economic development and code enforcement within the City.

Alexandra Eframo, West Jordan resident, asked for a moment to reflect upon the common goals of the business of the City Council meeting.

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She commented on the following:

- Opposed the proposed increase to the Interim City Manager's salary
- Still waiting for an apology from one of the City Councilmembers for their behavior during a previous City Council meeting
- The devil 'Satan' had entered the Council room and embodied one of the Councilmembers

Jay Thomas, West Jordan resident, opposed Business Item 9.a. regarding the Interim City Manager's salary. He felt whereas the Interim City Manager's compensation was being considered, and since it involved the budget, it should be brought back as a public hearing.

He provided the following information:

Utah Municipal Code

Effective 5/12/2015

10-3b-202. Mayor in council-mayor form of government.

- (1) The mayor in a municipality operating under the council-mayor form of government:
- (a) Is the chief executive and administrative officer of the municipality;

He said this would give the Mayor the power to sign documents. Under some of the State guidelines is said that only the highest elected official can sign agreements and contracts. He questioned how power could be provided to someone that was not an elected official.

Julie Dole, West Jordan resident, voiced her concerns regarding Business Item 9.b and 9.c. She commented on the proposed raise for the Interim City Manager. She felt this item should be discussed after a City Manager was hired, and a wage salary survey should be conducted. She addressed the following items:

- Councilmember Southworth cited old statutes from 2007
 - No justification for the reduction of the Mayor's position to a part-time position
 - **10-3b-203. Council in a council-mayor form of government**
- (1) The council in a municipality operating under a council-mayor form of government:
- (c) may not:
- (i) direct or request, other than in writing, the appointment of a person to or the removal of a person from an executive municipal office;
 - (ii) interfere in any way with an executive officer's performance of the officer's duties; or
 - (iii) publicly or privately give orders to a subordinate of the mayor.

JayLynn Thomas, West Jordan resident, addressed the Council regarding Business Item 9.b. for the following reasons:

- Contract with an executive search firm already in process for a City Manager

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- Former employee filed alleged workplace discrimination complaint (formal and unbiased investigation underway)
- Suggested reconsideration of a contract until issues were resolved
- Commented on temper tantrums by the Council (previously a pen was thrown on the dais), the rules apply to all of the Council, not just some of the Council.

Ronald Day, West Jordan resident, commented on the proposed changes to the Mayor's position. He said two years ago, he opposed making the Mayor full-time; however, seeing the Mayor in action he now believed that the position should remain full-time. He asked the Council to reconsider and pull Business item 9.c. permanently. He reminded the Council of recent times when having a full-time Mayor was a great benefit to the City (prison relocation, auto dealership, etc.)

Clive Killpack, West Jordan resident, voiced his concerns regarding the following: Business Item 9.b.

- Setting a precedence and would be a dis-service to others, and the funds that the Council had a fiduciary responsibility as a Council to protect.

Business Item 9.c.

- Previously he was not aware under this form of government of any contracts that the Mayor or Mayor Pro-tem signed without it being presented to the Council and approved.
- City Manager had authority to sign certain contracts within a certain budgeted amount.

He stated that if the Council was not in favor of the Mayor signing documents, then they should consider changing the form of government, personally he like the present form.

Colleen Henderson submitted the following statement:

"My name is CH and I am here to make a statement regarding the signage/graffiti on the side of the Azteca De Oro Taqueria. I am a licensed real estate agent working in real estate for over 18 years. During that time, I have had to obey West Jordan's signage regulations as well as the home builders that I have worked with. During this time, I as an agent have had signs confiscated, as well as builder's signs. To retrieve these signs, there is a \$50 fee, but usually, because of the cost, we simply lose the signs.

I find it fascinating that there is even discussion regarding a building that is in clear violation of not only the signage regulation but also the graffiti regulation that is imposed by the City of West Jordan.

In discussing this issue via phone or email these are points have been brought up.

1. West Jordan would like more new homes. My answer is: How do you expect builders to embrace WJ when there are so many punishing regulations? I wish our fines or sign confiscation were waived temporarily as you have chosen to do for the Tacqueria. How about no preferential treatment?

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2. 7800 S and 3200 W is a "hard" corner for business. Have you ever heard or ate at Ruth's Diner? Talk about a tough location! How about the Blue Plate Diner: talk about a "hard" corner! What about the Red Iguana located in one of the worst areas in SL. All three restaurants have long waiting times because the food is so incredible. I am convinced painting of the restaurant has been detrimental to the Azteca Tacqueria because it has been painted in such a way that it detracts from business. Everyone that I have discussed this with says, "Oh yeah, that place on 3200 W, not we won't go there." It's not the location folks.

If this painting is allowed, you are setting a precedent and it will only continue to grow but there will be no end to the graffiti style paintings. We are not East L.A., Detroit or Harlem. WJ is a family-oriented community.

Bryce Haderlie said they found "some violations of the current codes" being selective who we fine and who we give a pass. Sign me up for any I might be in violation of – let's be fair okay? Mr. Haderlie stated he wanted to see how other cities were handling this situation. Let's check north to West Valley – no let's not. Perfect example of where we don't want to go. So now let's set our sight to the south – South Jordan. You cross the street from West Jordan to South Jordan and it is so apparent of that city's standards in any neighborhoods you visit. Let's set our standard high to maintain and repair the great community in which we live.

Referring to my experiences in real estate. I have worked with many buyers that want "open concept" yet when they have selected a home they purchased in Daybreak! Many, many of the homes in Daybreak have shut off, separate rooms and certainly not "open concept". Why did they buy there? Because of the regulations which help maintain property values. I would move in a heartbeat to South Jordan but am rather stuck in West Jordan. My daughter, where did she buy, SJ, my son, where did he buy? SJ.

A word of warning: Once we start this detrimental practice of allowing graffiti painted buildings in WJ, there will be no going back. Our businesses are not the appropriate venue for teaching kids culture, color and "used as a teaching tool unquote.

I do have a solution that should be very agreeable to all parties; have the artist paint his mural inside the restaurant. If Miguel Galaz is so passionate about these matters he can teach them at school or take his students inside the restaurant, at the same time purchase a meal which will also increase the restaurant's revenue.

Definition of a Wall sign: WALL SIGN: A sign that is painted on or affixed to a building wall and projects less than six inches (6") from the wall.

Under General Provisions, Section 12.1.2 "Purpose and Scope" states "sign regulations adopted under this title are necessary to: protect the general public health, safety, welfare, convenience and aesthetics; to protect and enhance property values; and to protect and

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enhance the natural setting of the city. At the same time, this title is also intended to reasonably serve the public's need to be given helpful directions and to be informed of available products, businesses and services."

City of West Jordan's regulations limits a Wall sign to: 15% of each facade of a building Under Title 5, Chapter 6, West Jordan's regulations state:

5-6-1: DEFINITIONS:linklink

GRAFFITI: Any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property.

GRAFFITI REMOVAL: The removal or painting over of graffiti.

UNAUTHORIZED: Not authorized in advance by the owner. Despite advance authorization, graffiti may otherwise be deemed a public nuisance or a nonconforming sign by authorized city personnel. (Ord. 13-13, 8-27-2013)

By the above WJ City's regulations, the paintings on the side of the Taqueria restaurant is in violation of not one but 2 regulations.

I have photos if any of you have not seen them. Please note the graffiti on top of graffiti on the Spiderman painting. Also, please not that Mt. Rushmore was glazed over, which I find very symbolic, not the picture of Caesar Chavez."

There was no one else who wished to speak.

VII. CONSENT ITEMS

- a. Approve the minutes of July 22, 2015 as presented
- b. Approve a Temporary Beer License to St. Joseph the Worker Catholic Church's Folk Fest 2015, held September 11-13
- c. Approve Resolution 15-131, authorizing the Mayor to execute a contract with Gerber Construction Inc. to construct the Veteran's Irrigation Pond Reconstruction and Road Project in an amount not to exceed \$946,900
- d. Approve Resolution 15-147, ratifying the City Council decision to fill a building inspector position in the Development Services Department, with a pay scale between \$77,600 - \$103,300
- e. Approve Resolution 15-148, authorizing the Mayor to execute an Agreement for Services with Bryan Green DBA Beyond Pro for the production of the 2015 West Jordan Moto Stampede, in an amount not to exceed \$27,550

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- f. Approve Resolution 15-149, authorizing the Mayor to execute an Agreement for Services with Stirrin' Dirt Racing for the production of the 2015 West Jordan Demolition Derby, in an amount not to exceed \$32,000**
- g. Approve Resolution 15-150, accepting the donation, free of charge, from Phong Nguyen and Li Chen, for the widening of Gardner Lane, located at 1715 West Gardner Lane**
- h. Approve Resolution 15-151, authorizing Staff to proceed with a Purchase Order for Sonntag Recreation, LLC to provide and install playground equipment at ten City parks in an amount not to exceed \$507,000**
- i. Approve Resolution 15-152, authorizing the Mayor to execute Amendment No. 3 to the Professional Services Agreement with Hansen, Allen and Luce, Inc. to include additional water infrastructure analysis in Zones 5 & 6 as part of the Water Master Plan Update, in an amount not to exceed \$4,900**
- j. Approve Resolution 15-153, authorizing the Mayor to execute a contract with Mabey Wright and James, PLLC for legal assistance with regards to water rights**
- k. Approve Resolution 15-154, authorizing staff to approve the road closure plan allowing a 3-week roadway closure on 8200 South to accommodate construction of a new 8-inch sanitary sewer main**
- l. Approve Resolution 15-155, authorizing the Mayor to execute a Right of Way Contract with Ivory Homes LTD., authorizing the City's Real Estate Services Manager to sign all documents necessary to close the property purchase, located at 8451 South 5600 West, at Metro National Title Company**
- m. Approve Resolution 15-156, authorizing the Mayor to execute an Event Agreement with the Utah Down Syndrome Foundation Buddy Walk, for a fee waiver in exchange for a sponsorship valued at \$1,000**
- n. Approve Resolution 15-157, authorizing the Mayor to execute Amendment No.1 with Glover Landscape & Snow to extend landscape services for additional areas at the Sycamore and Maple Subdivisions, in an amount not to exceed \$9,900.00**
- o. Approve Resolution 15-158, authorizing the Mayor to Amendment No.3 to the Professional Services Agreement with Hansen, Allen and Luce, Inc. for additional services related to the Secondary Water Master Plan, in an amount not to exceed \$8,280**

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- p. Approve Resolution 15-159, authorizing the Mayor to execute a Settlement Agreement and release of all claims regarding pending litigation, in an amount of \$125,000.00: Case No. 2:15-cv-00309-BCW, Hoogveldt vs Adams**
- q. Approve Resolution 15-160, authorizing the Mayor to execute a Settlement Agreement and release of all claims regarding pending litigation, in an amount of \$9,000.00: Case No. 2:14-cv-00797, Aleh vs Palmer**

The Council pulled Consent Items 7a, d, k, p, and q. for further discussion.

MOTION: Councilmember Southworth moved to approve all the Consent Items except 7a, d, k, p, and q. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Yes
Councilmember Southworth	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

VIII. PUBLIC HEARINGS

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 15-20, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE, TITLE 13, TO ALLOW 'GASOLINE SERVICE STATION' IN THE C-M (HEAVY COMMERCIAL) ZONING DISTRICT, CITY-WIDE APPLICABILITY, FOURSQUARE PROPERTIES, INC./DAN MILICH

David Oka said this item was a text amendment to amend the West Jordan City 2009 City Code, Title 13, Zoning Regulations, Section 13-5E-3 amending the Permitted and Conditional Uses Table for Heavy Commercial Zone; City-wide applicability. The applicant wanted to place a service station/convenience store on the corner of Airport Road and 7800 South.

He turned the time over to Nanette Larsen.

Nanette Larsen provided the background information. She said Foursquare Properties (the applicant) was proposing to amend the 2009 City Code to allow for "gasoline service

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station” types of uses in C-M Zoning Districts. The proposed amendments would only affect Section 13-5E-3 in the City Code, the Permitted and Conditional Land Use table.

While the proposed amendment was not specifically limited to any specific scenario of development, the intent of the amendment was to develop the site located at 4606 West 7800 South (the north-west corner of 7800 South and Airport Road) as a gas station and convenience store.

Gasoline Service Stations were presently not permitted in the C-M Zoning District. The other commercial districts in Section 13-5E of the City Code: C-G, SC-1, SC-2, and SC-3 all include this type of use as permitted within their respective districts.

In Section 13-2-3 of the City Code, it provided the following definition for “gasoline service station”:

GASOLINE SERVICE STATION: An establishment engaged in the retail sales of gasoline and petroleum products. This definition includes gasoline sales conducted as part of a convenience store.

This current definition would remain the same.

The text amendment had the potential to affect 3 separate locations within the City. The first was along Airport Road, the C-M zone is constrained to the single parcel at 4606 West 7800 South. The second section was on the south-west corner of 7800 South and 1300 West, this area included all of the older manufacturing businesses on this corner. The C-M district also comprised of the general area of Old Bingham Highway and east of Mountain View Corridor; overall this district included approximately 32-parcels.

Text Amendment Request

The amendment would modify the land use table of Section 13.5E.3 by permitted “gasoline service station” uses in the C-M district. The modified section of the ordinance would read:

13-5E-3 PERMITTED AND CONDITIONAL USES IN COMMERCIAL ZONES

Use	C-G	C-M	SC-1	SC-2	SC-3
Adult daycare, general	C	C	C	C	C
Adult daycare, limited	C		C		
Agricultural sales and service		P			

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Animal husbandry services		C			
Auditorium or stadium		C			P
Bail bonds and pawnbrokers	C				
Bank or financial institution	P		P	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C	C	C
Business service	P	P		P	P
Car wash	P	P		P	P
Check cashing credit services	C			C	
Club	C	P		P	P
Construction sales and service		AC			
Cultural service	C				P
Daycare, general	AC	C	AC	C	C
Daycare, limited	AC		AC		
Farmers' market				P	P
Funeral home	C			C	
Gasoline and fuel storage and sales	C	C		C	C
Gasoline service station	P	P	P	P	P
Government service			P	P	P
Health and fitness facility	P	P	P	P	P
Hotel, extended stay	C			C	C
Hotel or motel	C			C	C
Large scale public utilities	C	C	C	C	C
Laundry and dry cleaning, limited	P		P	P	P
Laundry service		C			

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Liquor store				C	C
Manufacturing, general		P			
Manufacturing, limited		P			
Mass transit railway system	P	P	P	P	P
Massage therapy	P	P	P	P	P
Media service	P	P	C	P	P
Medical service (excluding blood banks)	P		P	P	P
Motor vehicle sales and service, new	C			C	P
Motor vehicle sales and service, used	C			C	C
Office	P	P	P	P	P
Parking, commercial		P		P	P
Personal care service	P	P	P	P	P
Personal instruction service	P	P	P	P	P
Pet groomer	P	P	AC	P	P
Post office substation			P	P	P
Preschool	AC	C	AC	C	C
Printing and copying, limited	P		P	P	P
Printing, general	P	P			
Protective service	P		P	P	P
Public park	P			P	
Reception center	AC	P		AC	P
Recreation and entertainment, indoor	C	P	C	C	C
Recreation and entertainment, outdoor		C			
Repair service, general		P			
Repair service, limited	P		P	P	P

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Research service		P			
Restaurant, fast food (general)	AC	AC	AC	AC	AC
Restaurant, fast food (limited)	AC	AC	AC	AC	AC
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
School, K - 12	C	C	C	C	C
School, vocational	P			P	
Secondhand store	C	P		C	
Small equipment rental	P	P	P	P	P
Temporary office	P	P	P	P	P
Transportation service	C	P			
Utility, major	C	C	C	C	C
Utility, minor	P	P	P	P	P
Vehicle and equipment repair, general		C			
Vehicle and equipment repair, limited	P	P			AC
Veterinary service (small animals only)	C	C		C	

FINDINGS OF FACT

Section 13-7-D-7B, required that prior to making a positive recommendation to the City Council for a Zoning Code text amendment, the Planning Commission shall make the following findings:

Criteria 1: *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

Discussion: The subject zoning district is within the commercial section of the Comprehensive General Plan – more specifically the Regional Commercial section. Applicable policies of the General Plan, in accordance with the proposed text amendment are as follows:

Goal 1. Evaluate and update sections of the Zoning Ordinance relating to commercial development.

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Policy 1. Develop an identifiable hierarchy of commercial areas within the city comprised of neighborhood commercial, community commercial, and regional commercial nodes.

Implementation Measures

4. Expand the permitted and conditional uses within the Heavy Commercial (C-M) zoning district to allow for a more flexible and economically viable district.

The proposed text amendment is directly supported by the General Plan's goals and policies. Foursquare Properties is petitioning for the amendment in order to allow the property at the corner of 7800 South and Airport Road to be more flexible to potential land uses; this amendment will also allow other properties to be developed in the C-M district which will meet the needs of the community.

Finding: The proposed amendments will conform to the General Plan and will be consistent with the adopted goals, objectives and policies described therein.

Criteria 2: *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

Discussion: The proposed text amendment concerns the Heavy Commercial (C-M) zoning district. The purpose of this district is to assist in transitioning between industrial areas and lighter commercial or residential districts. The Heavy Commercial district is considered to be a more use intense district than other commercial districts such as the Regional Shopping Center (SC-3), Community Shopping Center (SC-2), and Neighborhood Shopping Center (SC-1). Presently, however, all of the commercial zoning districts allow "gasoline service station" as a permitted use.

The subject use is largely a retail type of use as gasoline service stations allow for retail sales of fuel and convenience store sales. Other retail types of services are permitted in the Heavy Commercial district.

Finding: The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title.

Criteria 3: *The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and*

Discussion: The proposed amendment will only affect the C-M land use table by changing "gasoline service station" from not permitted to permitted in the C-M zoning district. All other standards and land use

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criteria will remain the same.

Various locations within the C-M zoning designation are also within overlay districts which will further limit potential uses. The proposed text amendment will not affect land use standards for property in overlay districts.

Finding: The proposed amendment will not create a conflict with any other section or part of this title or the general plan.

Criteria 4: *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

Discussion: The proposed amendment will alter sections of the City Code which affect every Heavy Commercial (C-M) zoning district within the City which in turn will mostly affect 32 parcels scattered throughout the City. The Heavy Commercial district resides in the Commercial Zones section of the 2009 City Code. Other districts within this section presently allow gasoline service stations in their respective districts.

Finding: The proposed amendments do not relieve a particular hardship, nor do they confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.

In conclusion, the proposed Text Amendment to allow "gasoline service station" in the C-M Zone was in harmony with other uses that currently were allowed within the zone and would not conflict with State law or other provisions to this code.

Staff recommended that based on the analysis and findings contained in the staff report that the City Council amends the 2009 City Code for the Heavy Commercial Zone (C-M) to permit "Gasoline Service Stations".

On July 7, 2015, the Planning Commission in a 6 to 1 vote recommended that the City Council approve the request to amend the text to permit "Gasoline Service Stations" in the Heavy Commercial (C-M) Zoning District.

The Council and staff discussed clarifying questions.

Mayor Rolfe opened the public hearing. There was no one who desired to speak. Mayor Rolfe closed the public hearing.

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Councilmember Southworth voiced his concerns regarding the over saturation of fuel stations in the proposed area.

MOTION: Councilmember McConnehey moved that based on the information and findings set forth that the City Council approve Ordinance 15-20, amending the text amendment to Title 13 of the 2009 City Code to permit "Gasoline Service Stations" in the Heavy Commercial (C-M) Zoning District. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Yes
Councilmember Southworth	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

CONTINUED UNTIL AUGUST 25, 2015 - RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL RESOLUTION 15-146, AMENDING THE FISCAL YEAR 2015-2016 SALARY SCHEDULE

MOTION: Councilmember Southworth moved to continue the Public Hearing to consider amending the Fiscal Year 2015-2016 Salary Schedule until August 25, 2015. The motion was seconded by Councilmember Nichols.

Councilmember Haaga questioned whether another public hearing was necessary since this was being continued.

Darien Alcorn said 'no'.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Yes
Councilmember Southworth	Yes
Mayor Rolfe	Yes

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The motion passed 7-0.

IX. BUSINESS ITEM

**DISCUSSION AND POSSIBLE ACTION RELATED TO HOW THE
STORM WATER EQUIVALENT RESIDENTIAL UNIT (ERU) IS
CALCULATED FOR NON-RESIDENTIAL PROPERTIES**

Wendell Rigby said on January 28, 2015, staff presented a proposal to modify the stormwater rate and ERU calculation for all residents and businesses in the City of West Jordan. In that meeting, several options were discussed related to how other cities figure their rates, including detention and level of pretreatment. Also, during that meeting the City Council asked staff to review the impacts if the City were to base calculations on the percentage of impervious area on a property and then to return and report.

Following Council direction, City staff contracted with the GIS department at Utah State University (USU) to analyze the impervious area of the City and to outline a program that where non-residential rates would be based upon their percentage of impervious area. While that work by USU was still progressing, it had suffered continually from unexpected complications and delays.

In the interim, it was found that there are several unintended consequences by basing calculations on percentage of impervious area that may call into question whether that is the best way to proceed.

Wendell Rigby turned the time over to Justin Stoker.

Justin Stoker said based on feedback from other cities, basing calculations on impervious area is a very time and data intensive task that usually requires the work of one or two dedicated employees to manage, and as demonstrated by USU's ability to get us the initial data set. Their jobs typically include initial calculations, requests for recalculation, appeals regarding the calculation, physical modifications to the site and how and when that triggers a recalculation, inspections into sites that may have made undocumented changes to their impervious area, etcetera.

When those that are subject to the Equivalent Residential Unit (ERU) calculation were reviewed, it was determined that the vast majority of those properties lie within a 15% window (between 77% and 92%) of impervious area. To avoid the conflicts and disputes found by other nearby cities, staff recommended keeping the simple approach to calculating the ERU based upon total area of the property. This simple method had shown to be easily handled by current staff.

With the average Single Family Residential (SFR) property with an impervious area of about 30% and remaining properties with an average between 77% and 92%, some adjustments must be made to make a fair comparison between residential and other properties. While it is understood that it was standard practice to pass storm water

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through detention and pretreatment, this only addressed one aspect of storm water, the peak runoff. The greater concern, perhaps, lied with the volume of water that leaves a property rather than infiltrating into the ground. With the impervious area of non-SFR properties about 3x the amount of SFR properties we are seeing a large impact resulting in the need for City-owned detention basins and storm drain systems based upon the volume of water, rather than the peak.

The City was currently reviewing the draft for the 2015 West Jordan Stormwater Master Plan. In this draft plan, over \$43M was identified in stormwater capital deficiencies. Of those deficiencies, \$17.4 million of those projects were not eligible for impact fee money.

After paying for equipment and labor for inspection, cleaning, and maintenance, the recently approved stormwater budget for the fiscal year 2015/2016 had \$80,000 for the repair and construction of stormwater infrastructure. The request for repairs and construction of new projects greatly outpaced the available \$80,000 annually.

The current proposal was to leave the current stormwater rate at \$4.02 and to modify the ERU calculation to pay for on-going maintenance and new projects in areas that were not eligible for impact fee money.

For comparison purposes, the following table showed how neighboring cities were calculating their stormwater fee:

City	ERU area (sq-ft)	2014 Storm Fee
Draper	3,000	\$6.00
Midvale	3,000	\$7.62
Riverton	2,744	\$7.00
South Jordan	4,752	\$8.50
Sandy	2,816	\$6.00
SLC	2,500	\$4.49
West Jordan	10,890	\$4.02
West Valley	2,830	\$4.00

Note that all other cities base their ERU off of the impervious area, which was usually only about an 8% to 23% discount off of the total area.

To help demonstrate how the stormwater rate impacts businesses, the following table was put together for a comparable "big box" business within West Jordan and what their stormwater rates would be in other surrounding cities. Note that these calculations take into account the proper area (7.45 acres of impervious area vs. 9.71 acres of total area) in how the ERU is calculated for each appropriate city.

City	ERU	# ERUs	Rate	Annual Fee
Draper	3,000	108.17	\$ 6.00	\$ 7,788.53
Midvale	3,000	108.17	\$ 7.62	\$ 9,891.43
Riverton	2,744	118.27	\$ 7.00	\$ 9,934.35
South Jordan	4,752	68.29	\$ 8.50	\$ 6,965.75
Sandy	2,816	115.24	\$ 6.00	\$ 8,297.44
SLC	2,500	129.81	\$ 4.49	\$ 6,994.10
West Jordan	10,890	38.84	\$ 4.02	\$ 1,873.64
West Valley	2,830	114.67	\$ 4.00	\$ 5,504.26

As was previously mentioned, the proposal was to keep the rate at \$4.02 and to leave the City calculating the number of ERUs based upon total area. The proposal was to modify the ERU value from 10,890 sq-ft to a value much lower to account for the increased volume of water that non-single family residential properties contribute to the City's stormwater system. If you take the average of the other cities, you have an ERU value of 3,092 impervious sq-ft. It would equate a total area of 3,803 sq-ft based upon the property having an average impervious area of 77%.

	Existing Payments with ERU=10,890 sq-ft and 20-acre cap	Payments with ERU=8,000 sq-ft and 20-acre cap	Payments with ERU=6,000 sq-ft and 20-acre cap	Payments with ERU=4,000 sq-ft and 20-acre cap
Total Monthly	\$47,869.90	\$64,151.42	\$85,535.23	\$128,302.84
Total Annually	\$574,438.83	\$769,817.03	\$1,026,422.70	\$1,539,634.06

To illustrate how the ERU change would impact businesses, the following showed what the annual stormwater rate would be if applied through the various proposed changes:

- 4,000 sq-ft ERU - \$5,100.99 annually
- 6,000 sq-ft ERU - \$3,400.66 annually
- 8,000 sq-ft ERU - \$2,550.49 annually
- 10,890 sq-ft ERU - \$1,873.64 annually (current payment)

Even with a 4,000 sq-ft ERU, the example business would still pay the lowest amount if located within West Jordan when compared to any of the surrounding cities.

The Cap

There had been discussions on whether or not the 20-acre cap should remain. A review of the 20-acre cap showed that there would be 31-properties that would be impacted if the cap was removed.

The 31 properties that exceed 20-acres and were subject to the cap included the:

- airport
- two golf courses (main course and the driving range down by the river)
- two middle schools (Sunset Ridge Middle School and West Jordan Jr High)
- two high schools (Copper Hills HS and West Jordan HS)
- Salt Lake Valley Community College
- West Ridge Academy (Boys Ranch)
- Rocky Mountain Power substation on 90th
- South Valley Water Rec. Plant
- Jordan Valley Water Conservancy District
- Jordan Valley Medical Center
- Five high density residential complexes (mobile home park, condos, apartments)
- Thirteen major businesses (i.e. SME Steel, Dannon, Boeing, Oracle, Fairchild, Interstate Brick, etc.)

In review, it was determined that it was predominantly the public or semi-public properties, not businesses or apartments, that would be most impacted by the removal of the cap. For example, the golf course on 9000 South and 2700 West would see their fee go from \$321.60 to somewhere between \$3,332.59 and \$6,665.17 each month, based upon the ERU and the removal of the cap. With this understanding, staff recommended that the cap remain in effect for the first 20-acres, as currently written.

The fiscal impact would be between \$195,378.20 and \$983,537.42 additional annual revenue into the Stormwater enterprise fund based on the option that was chosen.

Staff recommended that Council keep the current rate of \$4.02 and modify the stormwater ERU calculation based on three alternatives:

1. Change the ERU calculation from 1 ERU per $\frac{1}{4}$ acre (10,890 sq-ft) to 1 ERU per 4,000 Square Feet.
2. Change the ERU calculation from 1 ERU per $\frac{1}{4}$ acre (10,890 sq-ft) to 1 ERU per 6,000 Square Feet.
3. Change the ERU calculation from 1 ERU per $\frac{1}{4}$ acre (10,890 sq-ft) to 1 ERU per 8,000 Square Feet.

Councilmember Haaga asked whether an economic analysis had been performed on raising the fees on the businesses.

Justin Stoker said the economic analysis was included in the staff report.

Councilmember Haaga asked how raising the business fees/rates would affect consumers.

Justin Stoker was unaware of a study that showed how the increase in business rates would affect consumers.

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Ryan Bradshaw indicated that raising some of the big box stores rates would only raise the annual fee approximately \$3,000 to \$4,000, which would affect the consumer minimally. He reported that churches would be affected.

Councilmember Southworth felt the City's economic development should be considered.

Councilmember McConnehey said it seemed liked the burden had been disproportionately placed on the residents and they had been subsidizing some of the larger commercial properties. It was nice to see a proposal to bring the City more in-line with what was happening with the rest of the valley. He felt the rates should be equalized based on the amount that businesses were contributed into the system.

He felt the City could make an adjustment to the stormwater fee and go off a round number without dedicating full-time staff to perform calculations. He supported making the change to the 4,000 ERU sq-ft.

Councilmember Hansen said in Midvale their annual fee was \$9,891.43 and economic development continued to flourish. She felt the City needed to adjust the stormwater fee.

Councilmember Nichols agreed with Councilmember McConnehey comments. He said the stormwater was the most underfunded budget in the City and needed to be corrected.

Councilmember Haaga said West Jordan was unique City with four canals. Stormwater in the older areas of the City was problematic. This year it was being dealt with. He felt businesses look at these fees in deciding whether to locate or relocate to West Jordan. He opposed any kind of increase or fee. He said if the City was going to pay for storm drains, the new business that come into West Jordan should be assessed, to upgrade the storm drains, so that they would be compliant.

Mayor Rolfe was proud to hear that West Jordan had the lowest rate of the cities surveyed. He felt this motion was anti-economic development and hurt existing businesses. He felt there were other ways to pay for the shortfalls; nothing was underfunded at the City. The City has had a surplus fund balance for four years straight over the allowed surplus fund balance. He said there were funds available in the General Fund, or the City could bond.

Councilmember McConnehey felt the commercial land users were being subsidized by residential.

MOTION: Councilmember McConnehey moved to adopt option #1, to change the Equivalent Residential Unit (ERU) calculation from 1 ERU per $\frac{1}{4}$ acre (10,890 square feet) to 1 ERU per 4,000 square feet, and retain the 20-acre cap on the calculations as proposed in the staff report. The motion was seconded by Councilmember Nichols.

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Councilmember Southworth spoke against the motion. He agreed the deficit needed to be fixed but was concerned with the rate suggested. He supported going to the ERU at 8,000 sq.ft. He asked if Councilmember McConnehey would be willing to change his motion.

SUBSTITUTE

MOTION: Councilmember Haaga moved to table this item in lieu of having an Economic Development Study on impacts of our existing businesses. The motion was seconded by Mayor Rolfe.

VOTE ON THE SUBSTITUTE

MOTION:

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	No
Councilmember McConnehey	No
Councilmember Nichols	No
Councilmember Rice	No
Councilmember Southworth	No
Mayor Rolfe	Yes

The motion failed 2-5.

Councilmember Haaga opposed the original motion. He said this was a tax increase to West Jordan residents, residents outside the city, and businesses. He agreed with the Mayor's statement.

Councilmember McConnehey reviewed the reasons he was unwilling to change his motion.

Councilmember Haaga called the previous question. There was no second.

SUBSTITUTE

MOTION: Councilmember Southworth moved to adopt option #3, (change the ERU calculation from 1 ERU per ¼ acre (10,890 Square Feet) to 1 ERU per 8,000 Square Feet), and leave the 20-acre cap on the calculations as proposed in the staff report. The motion was seconded by Councilmember Hansen.

Councilmember Nichols wanted to hear additional information from Justin Stoker.

Councilmember Haaga called for a point of order. He said only the Mayor could acknowledge someone other than the City Manager.

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Mayor Rolfe acknowledged Justin Stoker.

Justin Stoker provided information regarding the 20-acre cap. He explained that the cap was put in place to protect a very few properties that would be greatly impacted if there was no cap (airport, golf course, driving range, South Valley Treatment Plan, etc.).

Staff opposed removal of the cap due to the potential impacts.

Councilmember Nichols reported that the City's surplus was supposed to go to parks.

Councilmember Haaga asked clarifying questions regarding the current fund balance and projection for the 2015-2016 Impact fees on stormwater.

Ryan Bradshaw indicated that the City had a balance; however, some of that balance had been already committed to contracts.

Councilmember Haaga said budget numbers were online and encouraged everyone to review them.

Councilmember McConnehey said:

- (1) If the substitute motion failed, he would be willing to amend his original motion to include the cap.
- (2) Funds from the General Fund cannot be used for the Enterprise Fund.

Dave Murphy said deficiencies in the stormwater totaled over \$17.5 million.

**VOTE ON THE SUBSTITUTE
MOTION:**

A roll call vote was taken

Councilmember Haaga	No
Councilmember Hansen	No
Councilmember McConnehey	No
Councilmember Nichols	Yes
Councilmember Rice	No
Councilmember Southworth	Yes
Mayor Rolfe	Yes

The motion failed 2-5.

**VOTE ON THE MAIN
MOTION:**

A roll call vote was taken

Councilmember Haaga	No
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Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Yes
Councilmember Southworth	No
Mayor Rolfe	No

The motion passed 4-3.

MOTION: Councilmember McConnehey moved to take a five-minute recess. The motion was seconded by Councilmember Southworth and passed 6-1 with Councilmember Haaga casting the negative vote.

Councilmember Haaga objected to the motion. He felt the meeting should continue due to the media being present.

The Council recessed at 8:01 p.m. and reconvened at 8:06 p.m.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-161, REGARDING AN AGREEMENT BETWEEN THE CITY OF WEST JORDAN AND BRYCE HADERLIE TO SERVE AS THE INTERIM CITY MANAGER AND/OR ASSISTANCE CITY MANAGER, WITH AN APPROXIMATE INCREASE OF \$44,000

Bryce Haderlie said when he was asked to serve as the Interim City Manager in August of 2014; he voluntarily agreed to work the remainder of the budget year for the same wage he was making as Assistance City Manager. As a minimum, this would have been a 5% increase or \$5,500. With the start of the new budget year, he was requesting consideration for the proposed agreement to ensure a wage commensurate with cities of similar size and complexity and in correlation with the duties that he was performing on a regular basis.

Bryce Haderlie said he had modified and simplified the proposed agreement language per input received at the July 22, 2015, Council meeting. He appreciated the Council's consideration of the proposed agreement to compensate him for the work that he performed commensurate equal to with the position in cities of similar size.

He said the fiscal impact would be approximately \$44,000 annually.

Staff recommended approval of the proposed resolution.

Bryce Haderlie realized after hearing comments made earlier in this meeting and through social media that there were things he needed to explain. He publicly made that statement: that at the time, that the changes were, and he was asked to serve as the Interim City Manager, whether there was policy or not, which we do have policy that states: that if an employee meets the requirement of the position that they are asked to serve in that there is an out-of-class pay. He recognized that there had been employees in the past that

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had served in out-of-class positions that had not been paid that payment. However, the reason he agreed not to take any out-of-class pay was: 1) Trying to work on wages for all of our employees and he did not want to in anyway shape or form cause any confusion for employees that he was trying to take any income above and beyond for himself, where we were needed to take care of our other employees. He appreciated what the Council had done for the City staff, and 2) The Council was already being criticized for fulfilling the remainder of a contract that was almost for a year, and that was going to cost the City that amount of money to finish that out and he did not want to cause additional harm to the Council. He said that did not make him a hero or anything, he just wanted that racialization that he put into his decision in turning down any out-of-class pay.

He also failed to place in his memorandum, that he took a swag and estimated on the high side and was also using wages from last year. So, while it was stated that his current wages were \$115,000 and change, last year it was at approximately \$110,000. He put a number together that he was going to ask for realizing this was a negotiation, there was nothing like being able to negotiation your wage and benefits in front of the entire City. He apologized to the citizens for having to listen to this, but it was estimated considerably higher, he went to staff today and talked to them about, if the proposal he provided of going from his current Step 6 to Step 13, that would be a \$24,000 change in pay and his estimate for the overhead was high, it would actually be 21.72 percent because of insurance and everything else was already in there and that would not change. So, that would be a \$5,227 addition for the overhead for a total of \$29,292. He wanted to make it clear, he never expected the Council to just say 'sure' that was what you asked for that was what you get. So, he allowed for some room for negotiation, if that was what the Council wanted to do.

He realized that because of the way the staff report was written there was an air of confusion that he possibly might be asking for the City Manager's wage or the Interim City Manager's wage, the fact was that the numbers proposed come clearing from the City's current step and grade chart and they were all for the Assistant City Manager wage. The City Manager when they left was making higher than Step 14 for the Assistance City Manager. So he was still proposing that the wage that he was asking for was within the Assistance City Manager. He was willing to do that as the Interim City Manager and if he was to go back to the Assistance City Manager it would still be within that range. He also pointed out that during this last year he and family had incurred many challenges with his schedule he did not intend having, filling both the City Manager and Assistance City Manager time frame had been very time consuming, it caused him to miss a lot of family time and work many, many hours, he consistently worked over 40 hours even on weeks when he was only working four days he was consistently over 40 hours. In calculating for the next five months, if he was to use his vacation time at the same rate that he had been using it, which was very little, he would stand to lose approximately \$9,000 of the use or lose, that would be reduced to zero or taken out to the maximum amount at the end of the year. That is life, however he wanted it to be known that with the City's policy again, that would be time that he would be able to spend with his family and he did worry about that.

He appreciated that the Mayor went to bat from him and other employees that were asked to work considerable overtime and were paid out for some of the vacation that they were unable to use. He appreciated that.

He again stated that all he was asking for was to create some balance to ask for a wage within the Assistance City Manager range that he felt was fair, but he was totally open to negotiate at that and asked if there were any questions regarding the proposed Resolution.

Councilmember Haaga said 'thank you' to Bryce Haderlie for explaining that. He supported some of the things said. He felt the number was right regarding the base wage. He said that he had done some research and thought for a city of West Jordan's size, even for an Assistance City Manager, that Bryce Haderlie was lower even with the 5% bonus. With that said, he thought we all learn from other instances that we have to have a budget amounted to make this happen, and he thought he would be a proponent to help out with that. He felt Bryce Haderlie's service to the City was well noted. There were up's and down's. There were a lot of commendable things that Bryce Haderlie had achieved with the Council. He said he was a proponent of this and like the financial officer indicated that if a budget amendment was done, so that the City had those funds, then we as a Council body with a majority could give a bump to the salary. The Council could compare other cities, like he had done. He said that wage was lower; comparable based on the Assistance City Manager even on that title, he thought there was some more compensation due.

Councilmember Nichols said this was not a debate for him. He made the following statement that: the issue before him had nothing to do with that you are the acting City Manager. It had everything to do with that you are the Assistance City Manager and he thought Bryce Haderlie had done a good job in that role. He felt a raise was warranted and also expected. All other things set aside, he felt it was reasonable, he was a valuable asset to the team, he had advanced the City, and he felt it was the right thing to do. He probably would not be the one in favor to say go all the way to \$140,000 annually, but he would be okay with considering between \$130,000 and \$135,000. This had nothing to do with it as acting City Manager, this was where he wanted him to be as an Assistance City Manager, and this was where he fully expected him to be when we have a new City Manager in place.

Councilmember Southworth said 'thank you' to Bryce Haderlie for his service 'thank you' for the team you have behind you and everything that had been taking place, and there had been some difficult circumstances dealing with the Council and everything else that goes on inside a city. There were always challenges that take place, and he felt Bryce had done a commendable job. He was very willing, hat's off to Councilmember Haaga for the things he said, he was correct there. Bryce Haderlie had done an excellent job and the pay needed to reflect that and he also believed that, I know in the past we had people fill in for Interim City Manager and he felt that was an oversight that we did not give bonuses, two were in this room right now and he felt bad, but he did not think that the Council's at that

time did that and that is something we need to consider. We need to look back and say okay time served a bonus commensurate of that differential pay for the time that you have been here, which had been a year plus. We need to look back and say what was the difference between those pays, you have done the work, you had taken all that weight on your shoulders and so any of us would expect that or hope to have that in any job that we did, and so he thought that was only fair as well, so he was in fair of the increase, we can work on those numbers, he was unsure as to whether Council wanted to do that tonight. He just wanted to express his support and gratitude.

Bryce Haderlie said within the Council's agenda packet there was a seven grade chart and it had all of the ranges in range 90, which was the Assistance City Manager. You can see it had an hourly rate and then below it was the annual salary for 2080 hours. He did identify that the calculations provided for the \$29,000 total wages and benefits came from step 13. He said Councilmember Nichols mentioned a range of \$130,000 - \$135,000, that could be anywhere from step 10 at \$128,000 to step 12 at \$135,366. What staff would want to do was tie it to one of the steps keeping, and that was another thing that he failed to do as the first time that he submitted this, he did not tie it to the step and grade, so this time he realized he needed to do that to keep it in harmony.

Councilmember McConnehey said 'thank you' to Bryce Haderlie for that he had done, all that you have been doing, and that you continue to do. He knew there were a lot of demands and obviously it easy to come in....and discuss compensation, it is a very personal and touchy issue and he appreciated Bryce Haderlie for doing that. Please do not take any of my comments personally they are not directed towards you. He believed he had shared most of his ideas with Bryce Haderlie one on one anyway, but he wanted to share them in a forum where the rest of the Council was able to hear them. There were a couple of concerns: 1) Shared the concern, he believed it was former Councilmember Hilton brought it up about timing and with so many other things going on, he did not know if now was the right time. Although, he would be open to discuss compensation. He appreciated what was spoken from the dais earlier, about going back to review some of the others who had served in that capacity and not received any additional compensation for all the work and stress and effort that went into filling in, in that capacity. He felt that was something the Council should do. If somebody was performing the effort especially for that executive position, it is something that was very, very demanding and we need review and reflect that. At the same time, he worried about what sort of precedence that sets. He said there were a number of people throughout the City who were filling in for positions above their grade and it happened on a regular basis. He said we currently have someone who was filling in as the head of Legal. We have a responsibility for our Development Department where we had a director level position leave and then we did refill that position rather we delegated those responsibilities upon the department. He worried that Council would be setting a precedence that could have a ripple effect and he wanted to make sure it was studied prior to taking action. He also had an issue with some of the specifics like the six-month' severance agreement, should there be a termination without cause; where the City Manager was serving at the will of the Council he struggled to put a severance clause in there; he believed it was also mentioned tying it back to the

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employee handbook saying in addition to what was in the employee handbook and the employee handbook does give an offer of six-months of severance as well, so it looked like the potential for possibly 12-months and he struggled with that. Additionally it suggested that to make a change would require a super majority of the Council and he struggled with that. A number of concerns with that especially when you look at the potential, right now we are looking for a permanent person to sit in that position and if that person were not to be Bryce Haderlie but somebody else, they would have the right to determine who sits in which seat within the City, and they can change that as they felt appropriate. He would not want to tie their hands or future Council's hands by requiring something like this, so he had significant concern with the super majority clause. Again none of his comments were personal he very much appreciated the work done; he knew he had seen just a small amount of the issue which came across Bryce Haderlie's desk. He appreciated the toll that it took on Bryce Haderlie and his family. He knew it was a significant sacrifice and that he only saw a small piece. However, he did have concerns and was not comfortable with proceeding with what was proposed.

MOTION: Councilmember Southworth moved to approve Resolution 15-161, with the following changes: 1) Section 3, '...Employee's pay to Range 90, Step 11 (\$63.33 per hour); 2) Section 2a, '...termination is the consequence of an affirmative vote of a super majority of the Council,' striking the words 'of a super majority;' 3) Add the following statement: 'At the conclusion of your service as Interim City Manager, that the time served, that the differential pay be calculated, and that be provided as a bonus to Mr. Haderlie at that time; 4) If a budget amendment is needed, that it be brought back as soon as reasonably possible, and 5) Section 2a, '...lump sum cash payment equal to six (6) months...' strike 'six (6) months' in addition to the West Jordan Employee Handbook, and state, 'consistent with the West Jordan Employee Handbook.' The motion was seconded by Councilmember Haaga.

Councilmember McConnehey said he would be okay moving forward doing something with compensation. He felt Council was starting to go in the right direction with what had been proposed. He did not see the need to contractualize that, he felt this would open up for a world of problems, he would rather see a simple budget adjustment and move forward with that rather than trying to do it through a resolution and a contract with all the other things going on could get very messy. With him saying that he still had the same reservations, which he shared earlier, but in regards to this specific motion that would be his biggest concern. He would rather not see that done as a resolution.

Councilmember Southworth said 'Thank you' everybody understood the situation that Council found themselves in the political turmoil that may be about and he said it felt good to see the collaboration that just took place on the dais.

Councilmember Nichols wanted to make sure it was very clear that he did not support this motion because Bryce Haderlie was the Acting City Manager, but because he fully supported Bryce Haderlie as an Assistance City Manager and this was where he wanted his salary to be. He was very grateful that Bryce Haderlie was filling in as the Acting City Manager and would expect him to have a bonus for such in the future as we failed to do in past times.

Councilmember Haaga said he really did appreciate the transparency with this, and it took someone like Bryce Haderlie to come in front of a seven-member body to ask for this. He did agree, but he still believed that process required a budget amendment before the resolution could be passed.

Bryce Haderlie said can we discuss that for just a moment. He said Ryan Bradshaw should weigh in on this. But, there were multiple times during the year when the Council had authorized expenses that the budget had not been amended. Ryan Bradshaw would make a notation and then would bring back a budget amendment two or three times during the year. So with that since the Council had not hired a City Manager and the wages within that whole entire budget had not been expended, he believed there would be sufficient funding before the next budget amendment that would be able to fund this and then it could be amended at a future date when the Council did a list of items all at the same time.

Ryan Bradshaw said at this point staff had budgeted for both a City Manager and Assistance City Manager within the current budget and there was only one person in those two positions. We would have some budget left over; we would still want to do the budget amendment to make things happen, but in the past we have moved forward with things before the budget amendment took place, which had been a practice within the City with other issues. He said there were police grants where they get the money, and police spends it then a few months later it would be brought back to the Council as a budget adjustment.

Bryce Haderlie said earlier in the evening, he shared a section of the State code with Mayor Rolfe, which reviewed amendments to salary schedules and such. He said we did table that tonight to wait and see how some of the things played out. So the other thing that he would just demand of himself and of staff was that we would not make these retro-active payments or raise the wage until staff brought the salary schedule forward with the reflected changes. He wanted to make it very clear to the Council and the public that he would not receive a dime of any increase until we did follow through on the statutory requirements of the State law on you passing a salary schedule. That would be on the next City Council meeting and he would not receive anything until after that. But, he was assuming that where he made the comment in the Resolution for retro-activity that would come into effect after we do these other statutory things. He asked is that my understanding. He asked the question of the range because he failed to hear Councilmember Southworth.

Councilmember Southworth said Range 11.

Councilmember Haaga said to continue on the budget amendment process. He said even his Youth Theater had to come and do a \$5,000 amendment on their budget and we were talking about a City Manager's budget that he was sure we had, but in light, which some Councilmember because they were not in that meeting, there was some action happening on that front and that budget we need to stay secure, he could not divulge the details but as far as the Assistance City Manager which you, you deserve more compensation, he just thought it still should be an at-will and after we have a budget amendment with a public hearing for a residents to talk to us about it and we stay totally transparent with your conversation. But again, he was a proponent of it; it was just about making sure we do it correctly as we have done all budget changes. This is specific he was pretty sure as of you will find out in ten days subject to the Assistant City Manager job. That is the budget we were looking at.

Ryan Bradshaw clarified that staff could make the Resolution so that the wage would not take effect until a budget amendment did happen. We could also do something very similar which was done with the police before and not pay Bryce Haderlie until the budget amendment and retro-active to another date, if so desired. Not changing anything until the budget amendment and then doing a retro-active thing similar to the salary resolution with the Police.

Bryce Haderlie had no objection.

Mayor Rolfe spoke against the motion. He said there were a lot of situations in the City where our employees were filling in out of class, not unless the Council was willing to fix all the inequalities in the City, would he be willing to do this at this time. The City was weeks away from naming a City Manager and no one knows who that will be, but it would be coming very soon.

Councilmember Haaga asked that the motion be repeated.

Councilmember Southworth repeated the motion.

Councilmember McConnehey asked if the motion addressed his concerns regarding severance (six-months plus what was allowed in the Employees Handbook); he would like to see the entire section removed in relations to severance. He did say even with this change he would still oppose the motion.

Bryce Haderlie asked whether it would be acceptable to offer a not-to-exceed six-months or something of that nature. It had even been suggested by our Contract Attorney's that because some of this things had not been outlined in other employment situations it had the potential of causing some confusion later on.

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Councilmember Southworth asked Councilmember McConnehey if that would cover his concerns.

Councilmember McConnehey said again he spoke against the motion; it would be up the Councilmember Southworth as far you wanted to proceed chasing that.

Councilmember Southworth clarified the motion.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	No
Councilmember Nichols	Yes
Councilmember Rice	Yes
Councilmember Southworth	Yes
Mayor Rolfe	No

The motion passed 5-2.

Councilmember McConnehey asked for a point of personal privilege. He expressed his appreciation to Councilmember Southworth for working with him regarding some of language of the motion, knowing full well that he was going to vote against it.

MOTION: Councilmember Southworth moved to recess the City Council meeting and convene the Redevelopment meeting. The motion was seconded by Councilmember McConnehey and passed 7-0 in favor.

The meeting recessed at 8:39 p.m. and the City Council meeting reconvened at 8:41 p.m.

DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE 15-21, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE, TITLE 1, CHAPTERS 7 AND 8, REGARDING 'CITY ADMINISTRATION AND GOVERNMENT';, AND RESOLUTION 15-162, AMENDING THE CITY COUNCIL RULES, POLICIES, AND PROCEDURES

This agenda item was tabled until August 25, 2015.

CONSENT ITEM 7.A.

APPROVE THE MINUTES OF JULY 22, 2015 AS PRESENTED

Councilmember Haaga said this was a statement I made publicly talking about some actions in our public discourse here up on the dais with our Councilmember and I won't go into the details concerning allegations make sure we get that right, allegations of possible harassments, and I sited Utah State Law Anti-Discrimination Act and why I bring that up tonight because I was challenged tonight by a contract attorney for making a statement, and I stood up, they won't tell you what I said, and I walked out. So that's

what it's about. An attorney upset that I want transparency in our City, I want, if it requires justice, I want justice on both ends of whatever this is being investigated which again are details I can't disclose because of confidentiality, but there is an investigation, I am the one that filed with the human resources investigation and it was based on an email from myself, I'm again reading my statement, um and again, I was challenged by a legal attorney in our meeting, our closed door meeting on a public statement that I made, I'm offended I would ask the City Manager to ask this contract attorney to apologize to me, I shouldn't have to make any comment about anything I do in public, and again all's I did was stood up and walked out and all most all of you saw me here. So, I do want these minutes, I think they need to be corrected.

MOTION: Councilmember Haaga moved that we table these minutes and have them corrected to word for word from my statement. Mayor Rolfe seconded the motion.

SUBSTITUTE

MOTION: Councilmember Nichols moved to approve the minutes as presented. The motion was seconded Councilmember Southworth.

Councilmember Haaga asked for a point of clarification. Do minutes need to match exactly the verbiage from the Council meetings.

Melanie Briggs told Councilmember Haaga 'no' they were just a summary.

Councilmember McConnehey read the following statement listed on the bottom of each set of City Council minutes:

'The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.'

He supported the substitute motion.

Councilmember Haaga said at this point I'm going to defer to our honorable Clerk and accept whatever motion to move this forward, it's clear what I said it was on the agenda so I just want to make sure our minutes lined up, and to justify some allegations made by some Councilmember's to my left about some kind of accusation that I had from a contracted attorney in one of our closed door meetings. So that's all I have, I'm not so concerned cause I made the statement and it is in recording. Thank you, Mayor.

**VOTE ON THE
SUBSTITUTE MOTION:**

A roll call vote was taken

Councilmember Haaga	No
Councilmember Hansen	Yes

Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Yes
Councilmember Southworth	Yes
Mayor Rolfe	Yes

The motion passed 6-1.

CONSENT ITEM 7.D.

**APPROVE RESOLUTION 15-147, RATIFYING THE CITY COUNCIL
DECISION TO FILL A BUILDING INSPECTOR POSITION IN THE
DEVELOPMENT SERVICES DEPARTMENT, WITH A PAY SCALE
BETWEEN \$77,600 - \$103,300**

David Oka said in view of the anticipated increase in construction activity as a result of the Jordan Valley Transit Oriented District and Station at Gardner Mill, staff was recommending the hiring of an additional building inspector. The inspector would need to possess the skills of a level 3 inspector.

On July 22, 2015, the City Council orally approved the filing of this position. This action formalized the approval.

The fiscal impact to the City would be the range of the pay scale for this position \$77,600 - \$103,300 which included benefits.

Staff recommended approved.

Councilmember Southworth was concerned with the pay scale. He felt the pay seemed out of proportion to other positions in the City, which required levels of education and responsibility. He felt this was significant position, but would like it reviewed.

MOTION: Councilmember Southworth moved to table this item until the next City Council meeting for staffs review. The motion was seconded by Councilmember Nichols.

Councilmember Hansen asked for clarification regarding what type of issues this Inspector would approve.

David Oka reported that Human Resources had researched the market as to what a Class III Inspector would make. He said the City needed to be competitive in order to get highly qualified applicants.

Councilmember McConnehey asked clarifying questions regarding Inspector II and Inspector III, and how this position placed with what had been previously requested by staff.

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Bryce Haderlie reminded the Council this would be wage and benefits. He said the employee would not be paid outside of the Grade 61 identified in the wage schedule. In the future, wages and benefits would be listed out separately.

He said currently staff had placed an advertisement based on earlier direction from Council.

SUBSTITUTE

MOTION: Mayor Rolfe moved to approve Resolution 15-147 at a Grade 61, upon the condition that staff reviews the consistency of the pay range. The motion was seconded by Councilmember Haaga.

Mayor Rolfe commented on the necessity of this position. He said direction was given to staff at the last Council meeting. The City must remain competitive and felt staff should be allowed to move forward.

Councilmember McConnehey abstained due to a potential perception of conflict of interest.

VOTE ON THE

SUBSTITUTE MOTION:

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Abstained
Councilmember Nichols	Yes
Councilmember Rice	Yes
Councilmember Southworth	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

CONSENT ITEM 7.K.

RESOLUTION 15-154, AUTHORIZING STAFF TO APPROVE THE ROAD CLOSURE PLAN ALLOWING A 3-WEEK ROADWAY CLOSURE ON 8200 SOUTH TO ACCOMMODATE CONSTRUCTION OF A NEW 8-INCH SANITARY SEWER MAIN

Justin Stoker reported that currently the sanitary sewer in 8200 South collects sanitary sewer from about 70 homes in the Green Briar subdivision before heading north from 8200 South and into the mobile home park between 8200 South and the railroad tracks, generally along 1500 West (a private road in the mobile home park).

The current arrangement had created a convoluted ownership and maintenance relationship between the private sewer of the mobile home park and the public sewer from

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the subdivision to the south. To clarify the situation, the City planned to connect the public sewer line in 8200 South eastward (instead of northward) into another public sewer line in the Fox Pointe subdivision. This would remove the City's involvement in the sewer line that runs through the mobile home park.

With approval, notification by an electronic traffic sign board would begin on August 14, 2015, and run for 10-days. Actual construction was scheduled to begin on August 24, 2015, and will run three weeks from August 24, 2015 until September 14, 2015.

Due to the depth and alignment of the sewer line, it was preferred to temporarily close the road to eliminate the hazard of traffic through the construction area and to be able to complete the project in a safe and timely manner.

No homes front the street in the area to be closed. Residents south and west of the project area, in the Green Briar subdivision, would use Redwood Road for access and residents east of the project area, in the Fox Pointe subdivision, would have access through 1300 West.

Staff recommended approval of the request for a 3-week roadway closure on 8200 South between 1550 West and 1480 West to accommodate construction of a new 8-inch sanitary sewer main.

MOTION: Councilmember Southworth moved to approve Resolution 15-154, authorizing staff to approve the road closure plan allowing a 3-week roadway closure on 8200 South to accommodate construction of a new 8-inch sanitary sewer main. The motion was seconded by Mayor Rolfe.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Yes
Councilmember Southworth	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

CONSENT 7.P AND CONSENT 7.Q.

APPROVE RESOLUTION 15-159, AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS REGARDING PENDING LITIGATION, IN AN AMOUNT OF \$125,000.00: CASE NO. 2:15-CV-00309-BCW, HOOGVELDT VS ADAMS

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The proposed Resolution was to approve a settlement agreement between Lee Hoogveldt and the City of West Jordan to settle any and all claims Lee Hoogveldt had against the City and any of its employees. The settlement agreement included in the Council's agenda packet completely resolved all claims of the current pending litigation.

The fiscal impact to the City would be the proposed settlement which would require the City to pay \$125,000.00 to Mr. Hoogveldt in exchange for settlement of all claims and a dismissal of the pending litigation.

Staff recommended adoption of the Resolution.

RESOLUTION 15-160, AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS REGARDING PENDING LITIGATION, IN AN AMOUNT OF \$9,000.00: CASE NO. 2:14-CV-00797, ALEH VS PALMER

The proposed Resolution was to approve a settlement agreement between Athimbayo Aleh and the City of West Jordan to settle any and all claims Athimbayo Aleh had against the City and any of its employees. The settlement agreement included in the Council's agenda packet completely resolved all claims of the current pending litigation.

The fiscal impact to the City would be the proposed settlement which would require the City to pay \$9,000.00 to Athimbayo Aleh in exchange for settlement of all claims and a dismissal of the pending litigation.

Staff recommended adoption of the Resolution.

Councilmember Haaga said these items were pulled to draw attention to them because the Council should not hide that fact that a settlement was paid. He felt the City now had competent legal advice that had directed the Council on how to approach this. He said these two incidents involved police officers. He wanted it to be known that this had nothing to do with the quality of the West Jordan Police Department. He wanted the West Jordan Police Officers to know he supported them.

MOTION: Councilmember Haaga moved to approve Consent Item 7.p. approving Resolution 15-159, and Consent Item 7.q. approving Resolution 15-160. The motion was seconded by Councilmember Southworth.

Mayor Rolfe stated that the entire City Council agreed with what was stated about the West Jordan Police Department.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes

DRAFT

Councilmember Nichols	Yes
Councilmember Rice	Yes
Councilmember Southworth	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

X. REMARKS

WAGE SCHEDULE

Bryce Haderlie informed the Council that the wage schedule was available on the City's website. He reported that the wage schedule matched exactly to the City's step and grade system. He said staff would be paying what was in-line with the salary schedule and the additional amount was the overhead of benefits, regarding the additional Building Inspector.

COMMUNITY OF COUNCIL APPOINTMENT

Councilmember Hansen had served on the Community of Council's since taking office in 2012. Earlier this year, she was elected to the Council of Government (COG), she recommended Councilmember Rice serve on the Community of Council.

This item would be brought back on a future agenda.

WEST JORDAN'S FORM OF GOVERNMENT

Councilmember Nichols commented on the City's form of government. He said comments made earlier in the meeting reported that the Mayor was the Chief Executive Officer in West Jordan. He said that was factually incorrect. He said the Mayor was the Chief Ceremonial Officer of West Jordan. He quoted from State code: 'As used in this subsection Council-Manager Form of Government provided for in the laws of Utah 1977 Chapter 48, that cannot be approved without adopted without voter approval.....'. In our case, "a municipal operating on May 4, 2008 under the Council-Manager Form of Government shall continue to operate in that form of government and will be in accordance to the applicable provisions of the laws of Utah 1977 Chapter 48."

He said our form of government was not in our current books. He felt this verbiage needed to be added so residents were aware of it.

Mayor Rolfe said citizens would need to go back to the 1977 code book to find this information.

ANIMALS ALLOWED IN RURAL RESIDENTIAL ZONING

Councilmember Southworth had been contacted by resident(s) regarding rural residential zoning and animals. He requested an addition to the Animal Ordinance for Rural Residential only, pigs equal to the number of points of that of a horse or cow.

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Mayor Rolfe opposed making this change in Rural Residential; however, he would approve of it in the Agriculture zoning. He said Rural Residential could be as small as half-acre lots and swine would not be acceptable.

Councilmember Southworth directed staff to start the process through the Planning Commission and then City Council for consideration.

Councilmember Hansen preferred this being a considered as Conditional Use Permit, so the neighbors would be aware of the change.

Councilmember Southworth said that could be part of the discussion.

Councilmember McConnehey reported that he had recently been contacted by residents, regarding why certain animals were excluded in the Municipal Code in certain zoning districts. He agreed with placing this issue on the Planning Commission and then City Council agenda.

CLARIFICATION - PUBLIC HEARING ITEM 8.B.

Councilmember McConnehey asked for clarification regarding the Public Hearing Item 8.b. - Receive public input and consider for approval Resolution 15-146, amending the Fiscal Year 2015-2016 Salary Schedule.

This item was originally noticed as public hearing, then it was continued to August 25, 2015. He said on August 25, 2015, the public hearing would be held, no additional noticing was required.

FORM OF GOVERNMENT

Councilmember Haaga commented on West Jordan's form of government. He said the City was governed by a constitution called the Utah State of Constitution. He referenced back to 2008 and said the Mayor was the Chief Officer of the City. He was a providing member of the Council, he was a Councilmember, he was to officiate on anything outside of our City, and sign all legal documents as prescribed by the Council, or adopted by the Council. That law had not gone away just because it was there before you were born perhaps. The Legislators left it there because we as a City have not allowed our residents to change their form of government to the new form that the legislators would like the City to adopt. He said the Chief Executive Office was the City Manager and indicated what his duties were. He said he was not authorized to sign documents, which the Council passed. He challenged anyone to read the 1977 law. He said West Jordan had a position of a Mayor, which had authority. He did not want anyone to belittle the Mayor of West Jordan or change the law that you were not authorized to change. He challenged Councilmember Nichols to read the 1977 law.

XI. ADJOURN

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MOTION: Councilmember Southworth moved to adjourn. The motion was seconded by Councilmember Nichols and passed 7-0 in favor.

The meeting adjourned at 9:11 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

KIM V ROLFE
Mayor

ATTEST:

MELANIE BRIGGS, MMC
City Clerk

Approved this 9th day of September 2015

**MINUTES OF THE CITY OF WEST JORDAN
SPECIAL COUNCIL MEETING**

Wednesday, August 26, 2015

1:00 p.m.

**Council Chambers, 3rd Floor
8000 South Redwood Road
West Jordan, Utah 84088**

COUNCIL: Mayor Kim V. Rolfe, and Council Members, Jeff Haaga, Judy Hansen, Chris McConnehey, Chad Nichols, and Sophie Rice. Council Member Ben Southworth arrived at 5:20 p.m.

STAFF: Melanie Briggs, City Clerk; Jonathan Gardner, Human Resource Manager, and Anna Yu, Human Resource Generalist.

I. CALL TO ORDER

Mayor Rolfe called the meeting to order at 1:03 p.m.

***II. PROCESS FOR SELECTION OF CITY MANAGER CANDIDATE
ORIENTATION WITH CITY COUNCIL AND CHUCK ROHRE, SENIOR VICE
PRESIDENT, WATERS & COMPANY EXECUTIVE RECRUITMENT***

Chuck Rohre, Senior Vice President, Waters & Company, reviewed the process with the City Council. The Council and Chuck reviewed the proposed questions that would be given to each of the candidates.

III. INTERVIEWS WITH CITY MANAGER CANDIDATES

The City Council conducted hour-long interviews with the following individuals:

Ken Leetham
Bryce Haderlie
Mark Palesh
Wayne Parker

Councilmember Southworth arrived at 5:20 p.m.

The meeting recessed at 5:55 p.m.

IV. DINNER BREAK

Those in attendance participated in a dinner that was provided.

V. ONE ON ONE INTERVIEWS WITH CANDIDATES

The Council and candidates met individually for 20-minute one-on-one interviews.

The Council reconvened into an open meeting at 8:29 p.m.

VI. CLOSED SESSION

DISCUSSION OF THE CHARACTER PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL

COUNCIL: Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris McConnehey, Chad Nichols, Ben Southworth, and Sophie Rice.

MOTION: Councilmember Southworth moved to go into a Closed Session to discuss the character professional competence, or physical or mental health of an individual, and adjourn from there if needed. The motion was seconded by Councilmember Hansen.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Yes
Councilmember Southworth	Yes
Mayor Rolfe	Yes

The motion passed 7-0

The Council convened into a Closed Session to discuss the character professional competence or physical or mental health of an individual at 8:31 p.m.

The Council recessed the Closed Session at 9:50 p.m.

The following statement was provided by the City Council:

'The City Council has selected their top choice from among a highly qualified pool of applicants. Negotiations will now begin, and we hope to name our new City Manager at the September 9 City Council meeting. We express our appreciation for all who participated in the process

III. ADJOURN

The meeting adjourned at 9:50 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

KIM V. ROLFE
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

Approved this 9th day of September 2015

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